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April 4, 2017

Dear Senator:

As Chairman of the Congressional Black Caucus (CBC), I write on behalf of the Caucus and the 78 million Americans and 17 million African Americans we collectively represent. The CBC strongly opposes the nomination of Judge Neil Gorsuch to serve as Associate Justice in the United States Supreme Court. Judge Gorsuch's record, which is hostile to African Americans, workers, and women, does not merit the support of the CBC or the United States Senate. Moreover, there is increasing concern around Russian interference into the 2016 Presidential Election, as well as the ties between our current president and the Kremlin. I strongly urge you to oppose the Gorsuch nomination on the merits, and any other nomination to the Supreme Court until an independent commission has had an opportunity to investigate this serious matter.

The CBC opposes the nomination of Neil Gorsuch to the Supreme Court because he has demonstrated, at best, a lack of empathy towards vulnerable people seeking justice through the court system. This is cause for serious concern in the African American community, which has historically sought redress through the judicial branch of government as a means of last resort in the face of the political failings of the executive and legislative branches. For example, in an op-ed on the conservative website National Review online, Gorsuch lamented that "American liberals have become addicted to the courtroom, relying on judges and lawyers rather than elected leaders and the ballot box, as the primary means of affecting their social agenda." His advice that liberals need to "kick their addiction to constitutional litigation" completely lacks any understanding of the historical context giving rise to this critical role of the judiciary. This position should alarm all Americans who have ever found themselves in the minority, political or otherwise.

Additionally, Gorsuch has taken positions of particular concern to the African American community. For example, while Gorsuch does not have much of a record on voting rights, his approach to equal protection matters are forecast by his time at the Department of Justice (DOJ) from 2005 to 2006. Gorsuch was the Principal Deputy to the Associate Attorney General, who managed litigation in the Civil Rights Division. In 2005, as part of the Voting Rights Act preclearance process, lawyers from the Civil Rights Division initially rejected a strict voter ID law in Georgia, arguing it would likely discriminate against Black and other minority voters. Unfortunately, their superiors at DOJ overruled them and cleared the law, which was later halted by a district court judge who compared it to a Jim Crow-era poll tax. Since the Supreme Court's decision in *Shelby County v. Holder* invalidating the preclearance formula of the Voting Rights Act,





more than a dozen states have enacted voting restrictions, ranging from strict photo identification requirements, to early voting cutbacks and registration restrictions. This makes the Supreme Court all the more important to ensuring all Americans have access to the ballot. At this crucial period for voting rights, the country cannot afford another justice who does not perceive a discriminatory motive in voter suppression laws.

Gorsuch also has a concerning record with regards to police accountability. In *Wilson v. City of Lafayette*, he argued that a police officer was entitled to qualified immunity from a Section 1983 excessive force claim arising when his use of a stun gun resulted in the death of a 22-year old fleeing arrest. In that case, Ryan Wilson was shot in the head with a stun gun, which was held from a distance of 10 to 15 feet. The shot to Mr. Wilson's head was contrary to the police department's training manual, which the dissent cited. The increasing visibility of officer-involved shootings, particularly of young, unarmed, Black men, has garnered national attention and bipartisan support for reforms that hold police accountable and help bridge the gap between law enforcement officers and the communities they serve. A Supreme Court Justice who argues for immunity for police officers accused of excessive force not only denies justice to the families of victims, but threatens efforts to address this national issue.

The CBC urges the Senate to delay consideration of any nominee to the Supreme Court at this time. We now know that Russia interfered in the 2016 Presidential Election when it hacked the Democratic National Committee and released unfavorable information via Wikileaks. We now know that the Federal Bureau of Investigation is investigating the link between the Trump campaign and the Russian government, as well as whether or not there is any coordination between the campaign and the Russian intelligence community. And we now know that Representative Nunes, Chairman of the House Intelligence Committee, has completely undermined the independence of the Committee's investigation into these serious matters. The CBC has called for an independent investigation to ensure the American people have an opportunity to follow the facts. For several months, Republicans blocked the first African American President's nomination to the Supreme Court, claiming such a nomination was illegitimate and that the Supreme Court could function with eight members. At this time, the CBC sees no reason to afford the current Administration any greater deference than that afforded to President Obama in the end of his last term. A lifetime appointment to this nation's highest court should be completely free from scandal. Until an independent commission has an opportunity to completely investigate Russian interference into the 2016 Presidential election, and any link to the current Administration, no such nominee will enjoy unfettered consideration.

For these reasons, we strongly urge you to oppose the nomination of Judge Neil Gorsuch to the Supreme Court of the United States of America. We will closely monitor these votes and will not forget those who support this nominee. We will count any vote in support of Neil Gorsuch as a vote against the interests of the Black community.

Sincerely,



Cedric Richmond  
Chairman, Congressional Black Caucus